

BAU 10755

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peter Finsmans and Christina Diblitz

Serial No.: 09/509,400

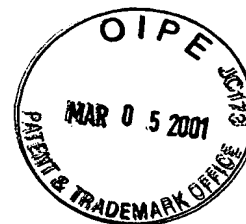
Filing Date: June 19, 2000

For: *Aluminium Acetoacetate Compounds,
the Production and Use Thereof as
Printing Ink Additives*

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Attorney Docket No.: Muller-17

Art Unit No.: 1713



TRANSMITTAL LETTER

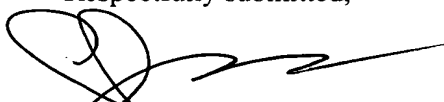
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed for filing in the above-identified application is the English translation of the International Preliminary Examination Report that has issued in parent International Application No. PCT/DE98/02860. The Assistant Commissioner is authorized to debit any fees that may be due in connection with filing this document to Deposit Account No. 02-4345. This authorization is provided in duplicate.

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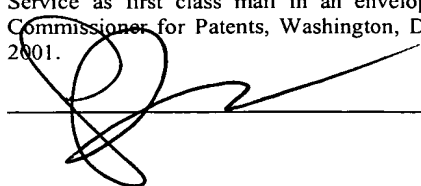
Respectfully submitted,


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CERTIFICATE OF MAILING

I, C. James Bushman, hereby certify that this correspondence and all referenced enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on February 27, 2001.



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



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Translation

Applicant's or agent's file reference D-97 012 PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE98/02860	International filing date (day/month/year) 25 September 1998 (25.09.98)	Priority date (day/month/year) 27 September 1997 (27.09.97)
International Patent Classification (IPC) or national classification and IPC C07C 69/72		
Applicant RWE-DEA AKTIENGESELLSCHAFT FÜR MINERALOEL UND CHEMIE		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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Date of submission of the demand 26 April 1999 (26.04.99)	Date of completion of this report 22 October 1999 (22.10.1999)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

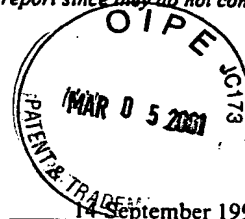
International application No.

PCT/DE98/02860

I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

- ☐ the international application as originally filed.
- ☒ the description, pages 3-11, as originally filed,
pages _____, filed with the demand,
pages 1,2, filed with the letter of 14 September 1999 (14.09.1999),
pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 2-14, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1, filed with the letter of 14 September 1999 (14.09.1999),
Nos. _____, filed with the letter of _____.
- ☐ the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.



2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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International application No.
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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations

D1: GB-A 772 144

D2: US-A-4 264 370

Novelty

The subject matter of Claims 1-14 of the present application is novel over the presently available prior art (PCT Article 33(2)).

The subject matter of the present application concerns compositions containing:

(A) one or more aluminium compounds having three ligands of general Formula (I) (beta-ketocarboxylic compounds) per aluminium atom; and

(b) one or more glycol ether compounds as per Claims 1-7 and 10, their preparation as per Claims 8 and 9 and their use as ink additives as per Claims 11-14.

D1 describes mixtures containing aluminium alkyl acetoacetate compounds and glycol compounds or polyalkylene glycols that are useful as ink additives and differ from the subject matter of the present application in that the aluminium compounds always contain at least one alcoxylate group (see D1, page 1, right-hand column,

lines 56-69 and line 76 to page 2, left-hand column, line 43, and right-hand column, lines 75-78). D2 likewise describes mixtures containing aluminium and glycol compounds as ink additives (Claim 1, the examples and column 3, lines 8-57); it does not explicitly mention the compositions according to the application.

The subject matter of Claims 1-14 of the present application is therefore novel.

Inventive step

However, the subject matter of Claims 1-14 of the present application does not appear to be inventive (PCT Article 33(3)).

In view of the closest prior art in D1 and D2, the application is considered to address the problem of providing further compositions useful as ink additives containing aluminium and glycol ether.

This problem is solved by the compositions as per Claims 1 and 7 of the application (see the examples).

D2 discloses mixtures containing aluminium and glycol compounds as suitable ink additives, and also proposes trisubstituted compounds, *inter alia*, as preferred aluminium compounds (see D2, column 3, lines 30-46). Consequently, the solution proposed in the application, namely that of providing compositions containing aluminium and glycol compounds (I) trisubstituted with ligand (I) as per Claim 1, appears to be already suggested by D2 to a person skilled in the art.

The subject matter of the present application therefore does not appear to involve an inventive step.

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(iii), the description is not in line with the claims.